

**FORTY-FIFTH DAY**  
(Monday, April 15, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Green, Montford.

A quorum was announced present.

The Reverend Albert Elam, First Baptist Church, Dale, offered the invocation as follows:

Dear Father, we come to You in the name of Jesus Christ our Lord, asking in His name that You would bless these our leaders, that they might have the understanding and wisdom for the task before them today, and that Your sweet spirit will lead them to the right decision, one that will be just for all. I pray, dear God, Your will be done. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 12, 1991 was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Montford was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Green was granted leave of absence for today on account of inclement weather on motion of Senator Brooks.

**CO-AUTHOR OF SENATE BILL 1160**

On motion of Senator Brooks and by unanimous consent, Senator Lucio will be shown as Co-author of S.B. 1160.

**CO-AUTHORS OF SENATE BILL 1189**

On motion of Senator Montford and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of S.B. 1189.

**CO-AUTHORS OF SENATE BILL 1193**

On motion of Senator Montford and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of S.B. 1193.

**CO-AUTHORS OF SENATE BILL 1195**

On motion of Senator Montford and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of S.B. 1195.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 34**

On motion of Senator Montford and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of S.J.R. 34.

**MESSAGE FROM THE HOUSE**

House Chamber

April 15, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 44**, Relating to the punishments for offenses involving prohibited weapons.

**H.B. 63**, Relating to the issuance of specially designed license plates to surviving spouses of Purple Heart medal recipients.

**H.B. 1181**, Relating to the authority of navigation districts.

**H.B. 1176**, Relating to the duties and compensation of commissioners of the Port of Beaumont Navigation District of Jefferson County.

**H.B. 233**, Authorizing the State Department of Highways and Public Transportation and the Texas Department of Public Safety to dispose of certain records.

**H.B. 463**, Relating to the notice required to be published by the representative of an estate.

**H.B. 270**, Relating to the certification and licensing of real estate appraisers.

**H.B. 1354**, Relating to the jurisdiction of the county courts at law in Cameron County.

**H.B. 1851**, Relating to the issuance of bonds by the Burleson County Hospital District.

**H.B. 885**, Relating to the qualifications of grand jury commissioners.

**H.B. 847**, Relating to a waste tire recycling program.

**H.B. 989**, Relating to the repayment of certain municipal bonds.

**H.B. 960**, Relating to deferral of adjudication and dismissal of certain cases on commitment of a chemically dependent person to a treatment facility.

**H.B. 739**, Relating to brackets establishing ranges of cash advances or balances to which certain rates of charges apply under certain regulated loans.

**H.B. 936**, Relating to the regulation of credit unions.

**H.C.R. 119**, Memorializing the President of the United States to direct the agencies of federal government to undertake the initiatives for implementing a free trade agreement.

**H.C.R. 121**, Memorializing Congress regarding international trade negotiations.

**H.B. 43**, Relating to crime statistics and security measures at public and private institutions of higher education.

**H.B. 460**, Relating to the jurisdiction of the Webb County Court at Law.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills:

S.B. 1507  
S.B. 1508  
S.B. 1509  
S.B. 1510  
S.B. 1511  
S.B. 1512  
S.B. 1513

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.B. 876  
H.C.R. 36  
H.C.R. 110  
H.C.R. 176  
H.C.R. 185  
S.C.R. 91  
S.B. 172  
S.B. 369  
S.B. 449

#### REPORTS OF STANDING COMMITTEES

Senator Montford submitted the following report for the Committee on Finance:

C.S.S.B. 1000

Senator Moncrief, Acting Chair, submitted the following report for the Committee on State Affairs:

S.B. 944  
S.B. 907  
S.B. 945  
S.B. 999  
S.B. 1165  
S.B. 942  
C.S.S.B. 1360

**C.S.S.B. 1361****C.S.S.B. 1168****C.S.S.B. 1259**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be JUDGE OF THE COURT OF CRIMINAL APPEALS: Justice Fortunato P. Benavides, Nueces County.

To be Members of the BOARD OF DIRECTORS, LOWER COLORADO RIVER AUTHORITY: Burton B. Le Tulle, Matagorda County; Cecil B. Long, Bastrop County.

#### **SENATE BILLS ON FIRST READING**

Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) having been suspended, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1494** by Ratliff Intergovernmental Relations  
Amending the municipal civil service act.

**S.B. 1495** by Parker, Johnson Economic Development  
Subcommittee on Insurance  
Relating to the repeal Article 5.76-2, Insurance Code concerning the creation and operation of the Texas Workers' Compensation Insurance Facility.

**S.B. 1496** by Lyon State Affairs  
Relating to the offense of failing to require a child riding in a car to be secured by a safety belt.

**S.B. 1497** by Turner Health and Human Services  
Relating to the licensing and regulation of pharmacists and pharmacies; providing a criminal penalty.

**S.B. 1498** by Sims Natural Resources  
Relating to the creation, administration, powers, duties, operation, and financing of the West Texas Underground Water Conservation District.

**S.B. 1499** by Harris of Dallas Jurisprudence  
Relating to the members of the Commission on Uniform State Laws.

**S.B. 1500** by Armbrister Natural Resources  
Relating to enforcement by municipal utility districts of subdivision restrictions and other restrictions on the use of real property.

**S.B. 1501** by Armbrister Natural Resources  
Relating to meetings and notice of meetings of the board of directors of a municipal utility district.

**S.B. 1502** by Armbrister Natural Resources  
Relating to changing the name of certain special districts.

**S.B. 1503** by Turner Jurisprudence  
Relating to the creation of a district court with jurisdiction in Grimes County.

- S.B. 1504** by Glasgow Economic Development  
Relating to an action on a debt secured by real property sold at a judicial or nonjudicial foreclosure sale.
- S.B. 1505** by Parker Economic Development  
Relating to regulating boat or outboard motor manufacturers, distributors, and dealers.
- S.B. 1506** by Barrientos Education  
Relating to student services building fees at The University of Texas at Austin.
- S.B. 1507** by Truan Health and Human Services  
Relating to regulation of the use of lead in plumbing applications; providing penalties.
- S.B. 1508** by Ratliff Economic Development  
Subcommittee on Insurance  
Relating to county health and accident coverage through a risk pool.
- S.B. 1509** by Harris of Tarrant Jurisprudence  
Relating to the authority of a domestic relations office to obtain certain records from the Department of Public Safety and the Texas Employment Commission; providing a penalty.
- S.B. 1510** by Sims Natural Resources  
Relating to the compensation of members of the Texas Animal Health Commission for performance of commission business.
- S.B. 1511** by Sims Economic Development  
Relating to the eligibility of certain aliens to receive unemployment compensation benefits.
- S.B. 1512** by Barrientos Finance  
Relating to the Texas Public School Retired Employees Group Insurance Program administered by the Teacher Retirement System of Texas.
- S.B. 1513** by Barrientos Finance  
Relating to benefits for and compensation of certain state employees.

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.C.R. 12**, To Committee on Administration.  
**H.C.R. 68**, To Committee on Administration.  
**H.C.R. 82**, To Committee on Health and Human Services.  
**H.B. 60**, To Committee on Natural Resources.  
**H.B. 111**, To Committee on Criminal Justice.  
**H.B. 132**, To Committee on Natural Resources.  
**H.B. 148**, To Committee on Jurisprudence.  
**H.B. 202**, To Committee on Jurisprudence.  
**H.B. 220**, To Committee on State Affairs.  
**H.B. 290**, To Committee on Criminal Justice.  
**H.B. 376**, To Committee on Jurisprudence.  
**H.B. 391**, To Committee on Criminal Justice.  
**H.B. 426**, To Committee on Natural Resources,  
 Subcommittee on Water.  
**H.B. 432**, To Committee on Criminal Justice.

H.B. 478, To Committee on Natural Resources.  
H.B. 490, To Committee on State Affairs.  
H.B. 532, To Committee on Economic Development,  
Subcommittee on Insurance.  
H.B. 628, To Committee on Education.  
H.B. 841, To Committee on Criminal Justice.  
H.B. 877, To Committee on Health and Human Services.  
H.B. 894, To Committee on Economic Development.  
H.B. 954, To Committee on Health and Human Services.  
H.B. 1001, To Committee on State Affairs.  
H.B. 1022, To Committee on Natural Resources.  
H.B. 1297, To Committee on State Affairs,  
Subcommittee on Elections and Ethics.  
H.B. 1313, To Committee on Intergovernmental Relations.  
H.B. 1333, To Committee on Intergovernmental Relations.  
H.B. 1448, To Committee on Natural Resources.  
H.B. 1477, To Committee on Education.  
H.B. 1506, To Committee on State Affairs.  
H.B. 1519, To Committee on Administration.  
H.B. 1668, To Committee on Natural Resources.  
H.B. 1675, To Committee on Criminal Justice.  
H.B. 1743, To Committee on Natural Resources.  
H.B. 1847, To Committee on Economic Development.  
H.B. 1902, To Committee on Economic Development.  
H.B. 1873, To Committee on Health and Human Services.  
H.B. 1906, To Committee on State Affairs.  
H.B. 936, To Committee on Economic Development.

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 15, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF STEPHEN F. AUSTIN STATE UNIVERSITY BOARD  
OF REGENTS, for terms to expire January 31, 1997:

LAUREL ANN (SISSY) PHILLIPS AUSTIN  
Rt. 7, Box 328A  
Jacksonville, Texas 75766

Ms. Austin will be replacing Don Haynes of Burnet, whose term expired.  
RETTA B. KELLEY  
2018 Warwick Circle East  
Longview, Texas 75601

Ms. Kelley will be replacing Richard C. Hile of Jasper, whose term expired.  
DIONNE BAGSBY  
1336 Whittenburg  
Fort Worth, Texas 76134

Ms. Bagsby will be replacing Wayne Salvant of Arlington, whose term expired.

TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN CORPORATION BOARD OF DIRECTORS, for a term to expire January 31, 1997:

PAUL H. ELLIS  
3701 Rivercrest Dr.  
Austin, Texas 78746

Mr. Ellis will be replacing Comer Alden of San Antonio, whose term expired.

TO BE A MEMBER OF THE TEXAS BOARD ON AGING, for a term to expire February 1, 1997:

DAN ROBERTS  
2201 Park Place  
Fort Worth, Texas 76110

Mr. Roberts will be replacing Jerry Rubnick of Houston, whose term expired.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### SENATE BILL 152 WITH HOUSE AMENDMENT

Senator Harris of Tarrant called S.B. 152 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Amendment - Jones

Amend S.B. 152, first printing, by deleting Section 3 in its entirety.

The amendment was read.

On motion of Senator Harris of Tarrant and by unanimous consent, the Senate concurred in the House amendment to S.B. 152 by a viva voce vote.

#### SENATE BILL 114 WITH HOUSE AMENDMENTS

Senator Sims called S.B. 114 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

#### Committee Amendment - P. Gallego

Amend S.B. 114 on page 1, line 10, between "testing," and "education," insert "an exhibition,".

#### Committee Amendment - Ogden

Amend S.B. 114 on page 2 section (c) to read "An offense under Subsection (b)(1) or (2) of this section is a Class B misdemeanor unless the person causes bodily injury to another or carries a deadly weapon on or about his person during the commission of the offense, in which event the offense is a Class A misdemeanor."

The amendments were read.

On motion of Senator Sims and by unanimous consent, the Senate concurred in the House amendments to S.B. 114 by a viva voce vote.

**SENATE BILL 133 ON SECOND READING**

On motion of Senator Dickson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 133**, Relating to persons who may request an attorney general's opinion.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 133 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 548 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 548**, Relating to the examination of and disciplinary actions against state banks.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 548 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 548** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 576 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 576**, Relating to the use of fresh water in the secondary oil recovery projects.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 576 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 576 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 116 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 116**, Relating to criminal penalties imposed for certain violations of the Texas Unemployment Compensation Act.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 116 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 116 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Truan asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 178 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 178**, Relating to the authority of a volunteer fire department to obtain from the Department of Public Safety and local law enforcement agencies the criminal conviction record of a volunteer fire fighter.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 178 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 178 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 408 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 408**, Relating to certain officers of the court appearing and pleading in certain courts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 408 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 408** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1048 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1048**, Relating to the payment by counties for trial transcripts in cases involving indigents.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1048 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1048** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Green, Montford.

The bill was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced a delegation of visiting Filipinos who are assistants to Philippine Legislators and who are traveling in the United States as part of a professional exchange program with the Institute of International Education in Washington, D.C.

The Senate welcomed these guests.

**SENATOR ANNOUNCED PRESENT**

Senator Green, who had previously been recorded as "Absent-excused," was announced "Present."

**SENATE BILL 481 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 481**, Relating to informing parents in a parent involvement and education program about other assistance programs available to the parent.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Amend **S.B. 481** by striking Subsection (g) in Section 1 and substituting a new subsection to read as follows:

“(g) A program developed under this section must include providing relevant information to a parent about assistance available to the parent or the parent’s family through programs or services provided by a state agency or by a local government.”

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 481 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 481** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by a viva voce vote.

**CAPITOL PHYSICIAN**

Senator Lucio was recognized and presented Dr. Ben Garza of Edinburg.

Dr. Garza, participating in the “Capitol Physician” program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

**SENATE BILL 1166 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1166**, Relating to fixed assets of a state bank.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1166 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1166** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1079 ON SECOND READING**

On motion of Senator Harris of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1079**, Relating to the offense of going with a firearm into a building on premises where alcoholic beverages are sold for on-premises consumption.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.S.B. 1079** as follows:

Page 1, line 46; Remove under subsection (c), after "(2)," and before "of Subsection (a)" the following "or (3)" and; add under subsection (c), after "(2)," and before "of Subsection (a)" the following "(3), or (4)".

The amendment was read and was adopted by a viva voce vote.

Senator Glasgow offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **C.S.S.B. 1079**, SECTION 1, by deleting Subsection (d) (Committee Printing lines 52 through 54) and substitute the following:

(d) A permittee is allowed to maintain a firearm on the premises for the purposes of security of the premises.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1079 ON THIRD READING**

Senator Harris of Tarrant moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1079** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1386 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1386**, Relating to the effect on an application for an alcoholic beverage permit of an applicant serving a probated sentence after receiving deferred adjudication.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1386 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1386** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 444 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 444**, Relating to the adoption of the Durable Power of Attorney Act.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 444** on page 3, line 3, by adding the following language:

Sec. 487A. RECORDING DURABLE POWER OF ATTORNEY FOR REAL PROPERTY TRANSACTIONS. In any real property transaction requiring the execution and delivery of any instrument that is to be recorded, including, but not limited to, releases, assignments, satisfactions, mortgages, security agreements, deeds of trust, encumbrances, deeds of conveyance, oil, gas, or other mineral leases, memorandums of a lease, liens, or any other claim or right to real property, the durable power of attorney shall be recorded with the county clerk in the county or counties in which the real property is located.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 444 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 444** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1034 ON SECOND READING**

The President laid before the Senate **S.B. 1034** (The bill having been read second time and Set as Special Order for Monday, April 15, 1991, at 11:45 a.m.):

**S.B. 1034**, Relating to immunity from liability for school district volunteers.

Question—Shall the bill be passed to engrossment?

On motion of Senator Truan and by unanimous consent, Floor Amendment No. 1 was withdrawn.

(Senator Armbrister in Chair)

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **S.B. 1034** by amending Sec. 21.934 (a), Education Code, to read as follows:

(a) A volunteer who is serving as a direct service volunteer of a public school district is immune from civil liability except for injury to a child to the same extent as a school district employee under Section 21.912 of this code.

The amendment was read and failed of adoption by a viva voce vote.

The bill was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 1034 ON THIRD READING**

Senator Bivins moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1034** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 4.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Moncrief, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Zaffirini.

Nays: Barrientos, Lyon, Parker, Truan.

Absent: Dickson, Glasgow, Johnson, Whitmire.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 4.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Moncrief, Ratliff, Rosson, Sibley, Sims, Tejeda, Turner, Zaffirini.

Nays: Barrientos, Lyon, Parker, Truan.

Absent: Glasgow, Johnson, Whitmire.

Absent-excused: Montford.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1358 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1358**, Relating to petty cash accounts for certain governmental units.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1358 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1358** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE RESOLUTION 527**

Senator Lyon offered the following resolution:

**S.R. 527**, Designating the 1990s as "The Aviation and Space Technologies Advancement Decade" in Texas.

The resolution was read and was adopted by a viva voce vote.

**SENATE CONCURRENT RESOLUTION 101**

Senator Dickson offered the following resolution:

**WHEREAS**, The Legislature of the State of Texas is proud to join with citizens across the nation in the observance of Armed Forces Day on Saturday, May 18, 1991; and

**WHEREAS**, The theme for Armed Forces Day 1991 is "Eternal Vigilance, the Price of Freedom"; and

**WHEREAS**, This is the day for us to formally recognize the dedicated service, unselfish sacrifices, and outstanding achievements of all the courageous men and women who have served the cause of freedom and peace through their service to their country; and

**WHEREAS**, It is also a time to commend the civilians, businesses, and civic organizations who have supported the Texas men and women who were recalled to active duty to support Desert Storm and those who assisted the families remaining behind; and

**WHEREAS**, The citizens of our country whom we honor on Armed Forces Day have met the challenge of freedom's defense; and

**WHEREAS**, Observance of Armed Forces Week from May 12 through May 18 provides a time to reflect on and review the entire range of military readiness that is so vital to our nation's security; and

**WHEREAS**, It is also a time to reaffirm our determination to ensure a free and peaceful America for our children today and for their children in the future; now, therefore, be it

**RESOLVED**, That the 72nd Legislature hereby declare Armed Forces Day and Armed Forces Week as a time to pay tribute to the men and women who have

shown exemplary discipline, spirit, and perseverance in defending our treasured heritage.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Dickson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **SENATE BILL 1480 ON SECOND READING**

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1480**, Relating to a medical services fee at the University of North Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1480 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1480** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 523 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 523**, Relating to the disclosure of certain confidential or employment information by the banking commissioner or to a financial institution.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 523 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 523** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Montford.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE CONCURRENT RESOLUTION 26  
WITH HOUSE AMENDMENT**

Senator Johnson called S.C.R. 26 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

**Amendment - H. Cuellar**

Amend S.C.R. 26 as follows:

- (1) On page 1, line 19, strike "unreasonable";
- (2) On page 1, lines 22 through 23, strike "; many courts continue to mete out harsh penalties for family members who kill their abusers,";
- (3) On page 2, line 13 strike "and impartial" and insert "a";
- (4) On page 2, line 15-16, strike "it may be that some of them are rightfully convicted or adjudicated; however, only when their"; and insert "so that their";
- (5) On page 2, line 17-18, strike "can we fairly determine the justice of their sentences";
- (6) Insert on page 2, after the whereas clause that ends on line 18, the following:  
"RESOLVED, That the 72nd Legislature of the State of Texas hereby encourage local law enforcement agencies to explore ways to improve responses to family violence, including arresting batterers, enforcement of protective orders; referral to family violence shelters for victim counseling; assistance to local groups providing treatment for batterers; and advocacy with other professionals in the criminal justice system to ensure that victims of family violence receive the full support of their communities and are not left to believe they must act alone to defend themselves from further abuse, so as to prevent these tragically violent endings; and, be it further"
- (7) Insert on page 3, after the resolving clause that ends on line 1, the following:  
"RESOLVED, That the Board of Pardons and Paroles shall contact and seek the input and recommendation of the trial officials involved in each case reviewed hereunder, including the presiding judge, the attorney representing the state, and the investigating law enforcement agency; and, be it further  
"RESOLVED, That the Board of Pardons and Paroles shall notify a "close relative of a deceased victim," as that term is defined in Article 56.01, Code of Criminal Procedure, in each case reviewed hereunder and provide an opportunity for said relative to offer pertinent information to be considered by the Board in making its recommendations; and, be it further"
- (8) On page 3, line 15, insert "and legislature" after "governor".

The amendment was read.

On motion of Senator Johnson and by unanimous consent, the Senate concurred in the House amendment to S.C.R. 26 by a viva voce vote.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Dickson and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Economic Development might consider H.B. 936 today.

(President in Chair)

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Carriker and by unanimous consent, Senate Rule 11.11 was suspended in order that the Subcommittee on Elections and Ethics might meet to consider the following bills today:

**S.B. 1164**

**S.B. 1233**

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**CONGRATULATORY RESOLUTIONS**

**H.C.R. 111** - (Carriker): Extending congratulations to Foard County on the 100th anniversary of the county's founding.

**S.R. 525** - By Sims: Extending congratulations to Ken and Nancy Luce on the birth of their son, Kenneth Robert Luce.

**S.R. 526** - By Sims: Extending congratulations to Brad Adcox of Fredericksburg on achieving the rank of Eagle Scout.

**S.R. 528** - By Brown, Armbrister, Ellis: Declaring Tuesday, April 16, 1991, as Fort Bend County Day.

**S.R. 529** - By Haley: Extending congratulations to Acme Brick of Garrison on the grand occasion of its centennial anniversary.

**S.R. 530** - By Haley: Extending congratulations to members of the Texas Health Care Association, the Texas Association of Homes for the Aging and the Texas Association of Retirement Communities on their implementation of initial training programs for nurse's aides.

**ADJOURNMENT**

On motion of Senator Parker, the Senate at 12:25 p.m. adjourned until 11:00 a.m. tomorrow.

**FORTY-SIXTH DAY**  
(Tuesday, April 16, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffrini.

A quorum was announced present.